

REPORT - PLANNING COMMISSION MEETING
April 8, 2004

Project Name and Number: VACATE PORTION OF CIVIC CENTER DRIVE (PLN2004-00022)

Applicant: City of Fremont

Proposal: Summary Vacation of a portion of Civic Center Drive.

Recommended Action: Recommend that the City Council find that the proposed summary vacation of Civic Center Drive conforms to the General Plan.

Location: Civic Center Drive from Stevenson Boulevard leading to the Civic Center knoll.

Assessor Parcel Number(s): 525-0882-002-00

Area: 32,592 square feet

Owner: City of Fremont

Agent of Applicant: Kelly Morariu

Consultant(s): N/A

Environmental Review: A Negative Declaration (PLN2003-00208) was previously adopted for the demolition of the former City Government Building. That project included the area proposed for vacation in this report. No further environmental review is required for the proposed vacation.

Existing General Plan: Institutional Open Space

Existing Zoning: O-S, Open Space

Existing Land Use: This portion of Civic Center Drive now serves as driveway access to the Civic Center Knoll, which was converted to parkland through City Council action in June of 2003.

Public Hearing Notice: State law does not require public notice of this summary vacation. However, a Public Hearing Notice was delivered to The Argus on March 22, 2004 to be published by March 27, 2004.

Executive Summary: The proposed summary vacation pertains to a portion of Civic Center Drive in the Central Planning Area. In June of 2003, the City Council converted the parcel surrounding this street into parkland in preparation for the demolition of the former City Government Building. This vacation is the final action necessary to complete the new parcel map for this area.

Background and Previous Actions: The City proposes a summary vacation (abandonment) of 32,592 square feet of Civic Center Drive immediately south of the intersection with Stevenson Boulevard. This road used to serve as the public access to the former City Government Building (CGB). In June of 2003, the City Council converted the parcel surrounding this street into parkland in preparation for the demolition of the former City Government Building. This vacation is the final action necessary to complete the new parcel map for this area. With the conversion of this parcel to parkland and the demolition of the former CGB, there is no necessity for this portion of Civic Center Drive to remain a public street. The area will remain paved and will continue to serve as the driveway for the Alameda County Library building and any future uses developed on the knoll.

Proposed Vacation: Subsection (b) of Section 8334 of the Streets and Highways Code provides that the legislative body of a local agency may summarily vacate a "portion of a street or highway that lies within property under one ownership

and that does not continue through such ownership or end touching property of another.” The proposed vacation meets this criterion, as the City owns all of the surrounding properties and the existing road does not touch the property of another entity. The proposed vacation is also the final action necessary to complete the new parcel map for this area following City Council action in June of 2003. With the conversion of this parcel to parkland and the demolition of the former CGB, there is no necessity for this portion of Civic Center Drive to remain a public street. The enclosed exhibits have been prepared by City Engineering staff. Findings can be made for PLN2004-00022 that the street, as described on the attached legal description and plat (Exhibit “A”) may be summarily vacated because it meets the above stated statutory criteria.

The Streets and Highways Code (Section 8313) also requires that if the proposed vacation of a street is within an area for which a general plan is adopted, the legislative body should consider the general plan prior to vacating the street. The proposed street vacation is in conformance with the following General Plan goals:

Fundamental Goal F12 Parks, Recreational Facilities and Opportunities: The availability of parks, recreational facilities and opportunities is one of the defining characteristics of Fremont’s quality of life. This goal seeks to ensure that facilities are available to meet our diverse needs.

Goal PF1: A range of public facilities and services to meet the health, safety, leisure, cultural and general government needs of all Fremont residents.

Goal PR1: Parks and recreation facilities to meet the community’s needs.

Goal PR2: Park lands and recreation facilities to reflect Fremont’s image and identity.

The land area of this proposed vacation will become part of the recently created park parcel and will continue to serve as a driveway leading to the Civic Center Knoll. The driveway will serve as access for any future park development on the knoll but will not be utilized as a public street.

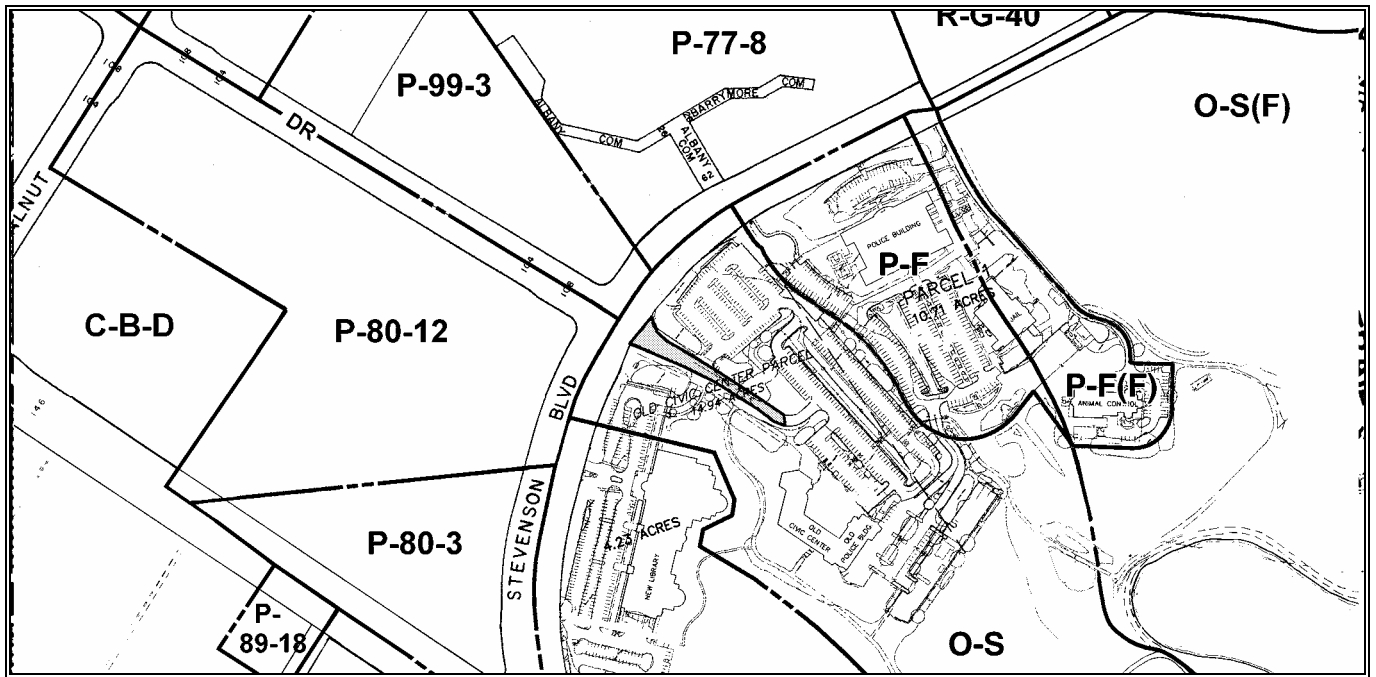
ENCLOSURES: Exhibit “A” (Legal Description & Plat for Summary Vacation)

EXHIBITS: Exhibit “A” (Legal Description & Plan for Summary Vacation)

Recommended Actions:

1. Hold public hearing.
2. Recommend that the City Council find that the summary vacation of Civic Center Drive conforms to the General Plan because the portion of roadway proposed to be vacated is not now, nor will it be in the future, required for public street purposes.
3. Recommend that the City Council find PLN2004-00022, as per Exhibit “A,” fulfills the applicable requirements set forth in the Fremont Municipal Code and Section 8334 of the California Streets and Highways Code.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

